

**AFFIDAVIT**

I, Terrance M. Frank, being duly sworn on oath, depose and state as follows:

1. I am presently employed as Special Agent with the Federal Bureau of Investigation and am assigned to the Minot, North Dakota, Resident Agency. As a Special Agent, your Affiant is responsible for enforcing federal criminal statutes including Title 18, United States Code (USC), Section 1201, Kidnapping.

2. This affidavit is made in support of a Complaint charging Jeffrey Jim Butler, a 45 year old white male, Nicholas James Gordon Woodford, a 22 year old white male, Zachary Russell Mills, a 22 year old white male, Tyler Michael White, a 22 year old white male, and James Dean Odeneal, a 23 year old white male, with the offense of Kidnapping, in violation of Title 18 U.S.C. §§ 1201 and 2, and is based upon information I have obtained during the course of my investigation and upon information obtained from other law enforcement authorities. This affidavit is submitted only to establish probable cause, therefore, not all information gathered during the course of the investigation has been included.

3. On August 13, 2012, at approximately 5:43 a.m., a local resident in or near Culbertson, Montana, called 911 reporting that a male was at his doorstep, bloody and badly injured. Emergency personnel responded and transported the male, later determined to be Robert Osterhout, to a medical facility for treatment. Osterhout was eventually transported to Trinity Hospital in Minot, North Dakota, where your affiant met with and interviewed him. Osterhout had multiple injuries to his body, including substantial bruising to his face and right eye, cuts to his

face, substantial ligature marks on his neck, several broken ribs, and a broken collar bone.

4. Osterhout advised that on August 12, 2012, he was talking with some friends at a small camper site located at or near the corner of Second Avenue and Ninth Street, Williston, North Dakota. While Osterhout was talking, Woodford called him over to his camper. Present at the camper were Woodford, Odeneal, Mills, and White. When Osterhout got over to Woodford's camper, Woodford questioned Osterhout about talking with police about some of his friends. Before Osterhout could reply, Mills began beating Osterhout with brass knuckles. Woodford then started beating Osterhout with brass knuckles as well. After hitting Osterhout multiple times with the brass knuckles, Mills took a razor blade and began cutting Osterhout's face. Osterhout was then strangled by Woodford with a rope/string, and finally tasered by both Woodford and Mills multiple times. Osterhout said that Butler came in and ordered Woodford and Mills to clean Osterhout up and get rid of him. Woodford and Mills then bound Osterhout by his hands and ankles and threw him into the trunk of an automobile. Osterhout recalled attempting to escape from the trunk of the vehicle sometime later, and next recalls waking up in the hospital in Minot.

5. According to interviews with Cooperating Witness # 1 by local law enforcement and FBI officials, Cooperating Witness # 1 personally observed the conducted involving Osterhout. The witness explained Butler wanted Osterhout dead. In response, other individuals lured Osterhout into a trailer located in Butler's backyard. After Osterhout was beaten at this location, Butler instructed the group which was present to get rid of Osterhout's body. In response to Butler's instruction, the others present then tied Osterhout up and threw him in Butler's gray colored, older model, four door vehicle. Butler then drove the car, while White was in the front

passenger seat; Mills and Woodford were in the rear passenger seat; and Osterhout was in the trunk. They drove from Williston, North Dakota, to a location in Montana, and Osterhout escaped from the trunk. Butler directed others to go after Osterhout or they would be killed. White was told to stay in the car and watch the road. Mills and another caught Osterhout, and tackled him. Butler, Mills, and another person began assaulting Osterhout. Others restrained Osterhout while Butler strangled him. Woodford also stomped on Osterhout's head until he appeared dead. Butler, Mills, and Woodford then left Osterhout's body, got back into the car with the others, and drove back to Williston, North Dakota.

6. According to an interview with Cooperating Witness # 2 with local law enforcement officials, Cooperating Witness # 2 personally observed the conduct involving Osterhout. The witness explained Woodford and Mills beat Osterhout at the residence in Williston while under the influence of drugs. They were told to put Osterhout in the car and did so. Cooperating Witness # 2 indicated Woodford, Mills, Butler, and White traveled in the vehicle with Osterhout in the trunk. After driving for a distance, the vehicle was stopped and Osterhout ran away. Woodford, Mills, and Butler chased after Osterhout, caught him, and began to assault him. Mills and Butler stomped on Osterhout's head while Woodford strangled Osterhout with a string.

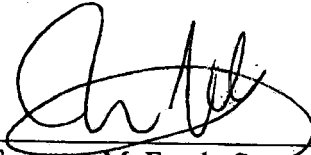
7. Based upon information provided by Cooperating Witness # 2, the beating of Osterhout was motivated by the fact that Butler and others were concerned that Osterhout would provide information to law enforcement about illegal activities that they were involved in. Cooperating Witness # 2 stated that their intent in transporting Osterhout to Montana and assaulting him was to attempt to kill him.

8. According to interviews with Cooperating Witnesses # 3 and # 4 by local law enforcement officials, Cooperating Witnesses # 3 and # 4 personally observed the conduct involving Osterhout. These witnesses explained the beating of Osterhout took place in Odeneal's camper, which both Odeneal and White witnessed. White was told to watch the door to the camper while the beating took place. After the beating of Osterhout, Odeneal and White were told to retrieve plastic material and line the trunk of Butler's automobile. White helped retrieve the plastic, and Odeneal placed it in the trunk. Mills and Woodford then placed Osterhout in the trunk of the vehicle, and Butler, Mills, Woodford, and White traveled in the vehicle to Montana with Osterhout in the trunk. Odeneal and others attempted to clean the blood from the beating of Osterhout from the interior of Odeneal's camper.

9. Based upon the foregoing, I believe there is probable cause to believe that Jeffrey Butler, Nicholas Woodford, Zachary Mills, Tyler White, and James Odeneal have committed the offense of kidnaping, in violation of Title 18 U.S.C. §§ 1201 and 2.

The foregoing is true to the best of my knowledge and belief.

Dated this 31st day of August, 2012.



Terrance M. Frank, Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to before me this 31st day of August, 2012, in Bismarck, North Dakota, via videoconference with the affiant in Minot, North Dakota.



CHARLES S. MILLER, JR.  
United States Magistrate Judge